

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION**

UNITED STATES OF AMERICA

v.

RODNEY WILSON,

*Petitioner.*

CASE NO. 4:03-cr-70134-003

2255 FINAL ORDER

JUDGE NORMAN K. MOON

In accordance with this court's memorandum opinion entered this day, it is **ORDERED** and **ADJUDGED** that Wilson's motion (docket no. 534) is **CONSTRUED** as a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, and the Clerk is directed to **FILE** the motion as such; the § 2255 motion is **DISMISSED without prejudice** as successive; Wilson's request for appointment of counsel (docket no. 535) is **DENIED**; and the case is **STRICKEN** from the active docket.

Further, I find that Wilson has not made the requisite showing of the substantial denial of a constitutional right as required by 28 U.S.C. § 2253(c) and, therefore, a certificate of appealability is **DENIED**.

**ENTER:** This 19<sup>th</sup> day of February, 2014.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE